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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,963	11/13/2003	Wolf-Eckhart Bulst	071308.0484	9428
31625	7590	09/09/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			ALLEN, ANDRE J	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/712,963	BULST ET AL.	
	Examiner	Art Unit	
	Andre J. Allen	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 June 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 10 and 12-19 is/are rejected.
- 7) Claim(s) 9, 11 and 21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8,10 and 13-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (US 6739195) in view of Pidwerbetsky et al (US 6084530).

Regarding claims 1,10,13,15,16 and 17 Evans et al teaches a converter for converting ambient energy to an alternating value (first and second alternating 702 703 ( fig 7)(col. 4 lines 45-48)(col. 6 lines 1-10), Evans et al suggest deriving an electromagnetic signal that is reflected col. 2 lines 35-40) but does not teach a reflector that can be modulated via the alternating value. Pidwerbetsky et al teaches a reflector that can be modulated via the alternating value (abstract) (col. 12 lines 44-48)(col. 2 lines 35-38)(col. 4 lines 18-20\5). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the teachings of Evans et al with a reflector that can be modulated via an alternating value as taught by Pidwerbetsky et al for the purpose of determining the characteristics of particular tags can be determined (Pidwerbetsky et al col. 2 lines 55-60).

Regarding claim 2 Evans et al in view of Pidwerbetsky et al does not teach a electromagnetic reflector, however Evans et al as modified by Pidwerbetsky et al does make reference to a reflector of RF radiation. Therefore it would have been obvious to a person having ordinary skill in the art of transmission circuitry at the time the invention was made to use whatever reflector readily available to the manufacturer at the time the invention was made for the purpose of enabling transmission that allows for communication between components for further processing.

Regarding claim 3 Evans teaches an antenna (col. 4 line 37)

Regarding claim 4 Evans does not teach a backscatter transponder.

Pidwerbetsky et al teaches a backscatter transponder (abstract). It would have been obvious to a person having ordinary skill in the art of transmission circuitry at the time the invention was made to modify the transmission arrangement taught by Evans et al with a backscatter as taught by Pidwerbetsky et al for the purpose of transmitting frequency signals that are processed and notifies the user with respect to the condition of a tire.

Regarding claim 5 Evans et al teaches a sensor 101 for determining a measured value (col. 5 line 53)(col. 6 lines 1-15)

Regarding claims 6,7,18 and 19 Evans teaches the converting ambient energy to an alternating value as a function of a measured value (abstract lines 1-11)

Regarding claim 12 Evans teaches a piezoelectric fiber or is formed by one or several piezoelectric fibers (col. 5 lines 55-60).

Regarding claim 14 Evans teaches the tire measuring device is connected to the tire cover and/or vulcanized into the tire (col. 5 lines 55-60)

***Allowable Subject Matter***

3. Claims 9,11 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The above claims (8,9,11 and 21) are deemed to be a novel and unobvious improvement of a tire monitoring apparatus the apparatus comprising a first alternating value and a second alternating value wherein the first and second alternating values are alternating values which are derived from an original alternating value that can be broken down and wherein, after the breakdown, the first and second alternating value can be influenced differently by a measured value, furthermore, a layer with a controllable dielectric.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen

whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André Allen  
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Art Unit 2855

  
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